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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,519	02/17/1999	STEVEN BATHICHE	M61.12-0101	3331

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JOSEPH R KELLY  
WESTMAN CHAMPLIN & KELLY  
SUITE 1600 - INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS, MN 554023319

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 02/11/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/251,519

**Applicant(s)**

BATHICHE ET AL.

**Examiner**

Srilakshmi K. Kumar

**Art Unit**

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following office action is in response to the request for reconsideration submitted, November 27, 2002.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20,22 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US 5,838,304) in view of Willner et al (US 5,874,906).

As to independent claim 1, Hall discloses a method preparing a data packet indicative of operator manipulation of a hand held computer input device (col. 2, lines 14-29, ), comprising, receiving information indicative of a physical orientation of the computer input device (col. 2, lines 14-54); receiving information indicative of a configuration of a multiple switch device located on the computer input device and having at least two degrees of motional freedom (col. 2, lines 14-54).

Hall does not disclose where the device is that of a multiple switch. Willner et al disclose in col. 4, lines 20-25 and in Fig. 1, items 110 and 112, multiple switch assemblies known as D-pads. It would have been obvious to combine the systems of Hall with that of Willner et al as they both disclose input devices. Hall discloses packet based mouse data protocol. It would have been obvious to one of ordinary skill in the art that the mouse of Hall could have been

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incorporated with multiple switches of Willner et al as Hall discloses in col. 1, lines 35-37 where the mouse is provided with one or more switches.

As to independent claim 16, see claim 1, above.

As to independent claim 20, limitations of claims 1 and 13, and further comprising a first housing portion (Fig. 3a, item 37), a first extending handle, coupled to and extending away from the first housing portion (shown in Fig. 3a, the extension to the left), a second extending handle (shown in Fig. 3a, the extension to the right).

As to independent claim 23, limitations of claim 1, and further comprising, receiving mode information, col. 2, lines 14-54, and controlling the display device such that an object being displayed on the visual display device assumes a visual orientation corresponding to one of, the physical orientation of the computer input device as indicated by the orientation information and the configuration of the multiple switch device as indicated by the switch information, based on selected mode as shown in col. 2, lines 14-54 Hall discloses two different types received whether it is physical movement or depressing the switches .

As to dependent claim 2, see claims 1 and 23, above.

As to dependent claim 3, limitations of claim 2, and further comprising, placing orientation indicative of the physical orientation of the computer input device in the orientation field when the selected mode is a first selected mode, and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device, col. 2, lines 14-54.

As to dependent claim 4, limitations of claim 3, and further comprising, selecting a predetermined orientation value from a plurality of predetermined orientation values based on the configuration of the multiple switch device (col. 2, lines 30-54).

As to dependent claim 5, limitations of claim 3, and further comprising, placing predetermined switch configuration data in the multiple switch field when the selected mode is the second selected mode as shown in col. 2, lines 30-54.

As to dependent claim 6, limitations of claim 5, and further comprising, the predetermined switch configuration data corresponds to depression of no switches in the multiple switch device as Hall discloses in col. 2, lines 14-29 where the configuration corresponds to the movement of the mouse and not the depression of the switches.

As to dependent claims 7, 8 and 9, limitations of claim 2, and further comprising, the step of placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer input device, or is performed on the computer, or performed on the computer by the input device (col. 2, lines 14-29).

As to dependent claim 10, see claims 1 and 3, above.

As to dependent claim 11, limitations of claim 10, and further comprising, replacing the orientation information in the orientation field with a predetermined orientation value, when the selected mode is a second selected mode as shown in col. 2, lines 30-54.

As to dependent claim 12, limitations of claim 11, and further comprising, placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer by the input driver by replacing the switch information in the multiple switch field with a predetermined value when the selected mode is the second mode as shown in col. 2, lines 14-54.

As to dependent claims 13 and 17, limitations of claims 1 and 16, and further comprising, a rotation field containing rotation information indicative of rotation of a rotatable member. Hall does not disclose a rotatable member. Willner et al disclose in col. 4, lines 20-25 and in Fig. 1, items 110 and 112, multi-directional switch assemblies known as D-pads which are rotatable. It would have been obvious to combine the systems of Hall with that of Willner et al as they both

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disclose input devices. Hall discloses packet based mouse data protocol. It would have been obvious to one of ordinary skill in the art that the mouse of Hall could have been incorporated with multiple switches of Willner et al as Hall discloses in col. 1, lines 35-37 where the mouse is provided with one or more switches.

As to dependent claim 18, see claim 15, above.

As to dependent claim 19, see claims 1, 3, 13 and 16, above.

As to dependent claim 22, see claim 3, above.

As to dependent claim 14, see limitations of claims 1 and 13, above.

As to dependent claim 15, limitations of claim 14, and further comprising, receiving button information indicative of depression of a plurality of buttons on the computer device and placing data in a button field in the data packet based on the button information as shown in col. 2, lines 14-29.

#### ***Response to Arguments***

4. Applicant's arguments filed November 27, 2002 with respect to claims 1-20, 22 and 23 have been fully considered but they are not persuasive.

With respect to applicant's arguments, page 2, lines 18-33, stating, "Neither Hall nor Willner teach or suggest...physical orientation data." Hall discloses in col. 2, lines 14-24, "the serial mouse sends a three-byte data package to the host computer whenever there is a change in the state of the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons. The data packet sent to the host computer is an accumulation of all mouse activity that has occurred since transmission of the previous data packet." Hall shows the data packet is an accumulation of all mouse activity that has occurred, thus meaning changes in the mouse motion and buttons.

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With respect to applicant's arguments, page 3, disclosing where the Office Action does not provide a sufficient suggestion or motivation to combine, Hall discloses a packet based mouse data protocol, which is used for transmitting data from a mouse to a computer (col. 1, lines 17-19). Hall discloses col. 1, lines 35-37, multiple switches, and states where the multiple switches are used to enable alteration of the program flow in the host computer. The switches of the Willner system are used for the same. As shown in col. 7, lines 36-47, the switches in the game controller mode provide control of particular maneuvers of the program/game. As shown above, Hall and Willner are combinable.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi K. Kumar** whose telephone number is **(703) 306 5575**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.



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Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
February 8, 2003

A handwritten signature in black ink, appearing to read 'Steven Saras', written in a cursive style.

**STEVEN SARAS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**